

REMARKS

Claims 1-10, 15-19, 25-34, and 39-43 are pending in the present application. Claims 11-14, 20-24, 35-38, and 44-48 were previously canceled. Claims 15-19 and 39-43 stand withdrawn. Claims 1, 7, 25, and 31 have been amended. No new matter has been added. Applicants respectfully request reconsideration of the claims in view of the following remarks.

As an initial matter, Applicants again respectfully request that future office actions provide additional detail regarding which elements in the prior art correspond to which elements in Applicants' claims. For example, what element in Merrill is the Office Action asserting is the plurality of resources? What element in Merrill corresponds to the subset of resources? What element in Merrill discloses a scene? What element in Merrill is independently retrievable? Without this information, it is impossible for Applicants to adequately respond, as there are a multitude of possible assertions, none of which are correct.

Applicants requested this additional information in an Amendment filed August 11, 2009. The current Office Action fails to address these issues or to shed any light on the current rejections. Applicants respectfully request that the comments contained in the Amendment filed August 11, 2009 be reviewed and specifically addressed in any subsequent communication filed by the USPTO such that the issues may be clearly identified for purposes of appeal.

Claims 1-3, 5, 25-27, and 29 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over U.S. Patent No. 6,369,821 (hereinafter "Merrill") in view of U.S. Patent No. 6,362,817 (hereinafter "Powers"). Claims 4, 6-10, 28, and 30-34 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Merrill in view of Powers and U.S. Patent No. 7,068,309 (hereinafter "Toyoma"). Applicants respectfully traverse these rejections.

Applicants have amended claim 1 to recite, “at least two of the resources having a different version and part of a display of a single animated character.” Claim 1 further recites, “the at least two of the resources are presented simultaneously.” The references fail to disclose or suggest this feature. Applicants’ Specification discloses that features, such as a mouth, may be assets. Applicants’ Specification, paragraph [0049]. Applicants’ Specification further discloses that each asset is assigned a version identifier such that the required asset may be downloaded. Applicants’ Specification, paragraphs [0078] and [0100].

The Office Action asserted that Merrill disclosed two characters in an animated display and that these two characters may be considered multiple resources presented simultaneously. Office Action, page 2. The Office Action further asserted that a football and goalposts may be considered at least two resources which are presented simultaneously. *Id.* Merrill, however, fails to disclose that a single animated character is broken into multiple assets that have different versions as recited in amended claim 1. Rather, Merrill only discloses that an entire character is kept as a whole. An embodiment of Applicants’ invention as recited in claim 1 allows for animated characters to be pieced together from constituent parts that may be updated independently and given different version numbers. This level of control is not disclosed or suggested by the cited references.

Claim 7 has been amended to recite, “at least two of the resources being independently retrievable with respect to each other and part of a single character.” Thus, resources must be independently retrievable and part of a single character. Merrill fails to disclose that a single character is broken into at least two resources that are independently retrievable from each other and part of a single character. Rather, Merrill only discloses that an entire character is kept as a whole and retrieved as a single whole character. An embodiment of Applicants’ invention as

recited in claim 7 allows for animated characters to be pieced together from constituent parts that may be updated and retrieved independently from each other. This level of control is not disclosed or suggested by the cited references.

With regard to the comments in the Office Action with reference to the phrase “independently retrievable,” Applicants’ Specification discloses that features, such as a mouth, may be assets. Applicants’ Specification, paragraph [0049]. Applicants’ Specification further discloses that each asset is assigned a version identifier such that the required asset may be downloaded. Applicants’ Specification, paragraphs [0078] and [0100]. “The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement.” MPEP § 2163.02. Thus, the question is not whether or not the phrase “independently retrievable” is explicitly found in the specification, but rather “does the description clearly allow persons of ordinary skill in the art to recognize that he or she invented what is claimed”? *Id.* Applicants respectfully assert that given the disclosure in Applicants’ Specification that one of ordinary skill in the art will recognize the meaning of the phrase at issue.

Nevertheless, Applicants have amended claim 7 to more clearly recite that the resources are independently retrievable with respect to each other.

Applicants have amended claim 25 to recite, “at least two of the resources having a different version and part of a display of a single animated character.” As discussed above with reference to claim 1, the references fail to disclose or suggest this feature.

Regarding claim 31, similar limitations are recited as those discussed above with reference to claim 7. For similar reasons of at least some of those discussed above with reference to claim 7, claim 31 is allowable over the cited references.

Claims 2-6, 8-10, 26-30, and 32-34 depend from and add further limitations to claims 1, 7, 25, and 31, respectively. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Roger C. Knapp, Applicants' Attorney, at 972-732-1001, so that such issues may be resolved as expeditiously as possible. The Commissioner is hereby authorized to charge any fees that are due, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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Date

SLATER & MATSIL, L.L.P.
17950 Preston Rd., Suite 1000
Dallas, Texas 75252
Tel.: 972-732-1001
Fax: 972-732-9218

/Roger C. Knapp/
Roger C. Knapp
Attorney for Applicants
Reg. No. 46,836